UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date *3/06/2008, 2/18/2005, 9/7/2004*.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to the application filed on 27 February 2004.

Claims 1-19 are pending.

Specification

2.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

Claim Objections

3.   Claim 12 objected to because of the following informalities: the claim recites "by

and employee" in line 3 of the claim. It appears that this should read "by an employee".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claims 1-4 and 6-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

      a.   Claims 1-4 and 6-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites "taking action" on line 8 of the claim; it is unclear what the scope of this method step is.

6.   Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

      a.   Claim 1 recites "corresponding to each answer" in line 3 the limitation "answer" should be preceded by the term "said" or "the".

      b.   Claim 1 recites "mapped list for each answer" in line 3 the limitation "answer" should be preceded by the term "said" or "the".

      c.   Claim 3 recites the limitation "the initiator's" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1-2 and 11-13** are rejected under 35 U.S.C. 103(a) as being

unpatentable over "Operational Risk Data Collection Exercise – 2002" by Basel

Committee on Banking Supervision hereinafter referred to as *Basel* in view of U.S.

Patent No. 6,148,297 to *Swor et al.*

4.   **As to claim 1,** *Basel* discloses a method of doing business subject to a risk

event comprising the steps of:

providing questions to solicit answers that define attributes of the risk event

(page 5 and 6 [i.e. blocks 1, 2, and 3 on page 5]);

obtaining the answers to the questions (page 5 and 6 [i.e. yes or no]);

Where the answers are:

1)   in the form of the attributes of the risk event (page 5 and 6 [where

yes or no, i.e. "Is the sum of the losses above the threshold amount: yes"

is an attribute of the risk event),

2)   mapped to a list of possible event types corresponding to each

answer, thereby generating a mapped list for each answer (page 5 and 6,

[i.e. the answer to "Did the primary event adversely change the economic

results of the firm and was it recognized per GAAP?=yes" then the list of

the possible event types would be available by following the tree diagram,

for the example Business/Strategic Event, Employment and Workplace

Safety Event, External Fraud ect. would be mapped to the answer), and

3)   compared to the mapped lists to determine an event type of the risk

event (page 5 and 6 [i.e. blocks 1, 2, 3 on page 5]); and

taking action based on the determined event type (page 2 paragraph 1).

However, *Basel* does not disclose that a computer is programmed. *Swor*

discloses a computer system that performs a risk assessment (abstract and column 1

and 2 particularly column 2 lines 55-64).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the query and assignment system of *Basel* with the computerized

system of *Swor* to reduce potential entry error and allow for improved database

management.

5.   **As to claim 2,** see the discussion of claim 1, additionally, *Swor* discloses the

method wherein the computer is programmed to provide a user interface for

providing the questions to an event reporter (figures 6A-D, column 2 lines 65-67 and

column 3 lines 1-10, and column 5 lines 64-67 and column 6 lines 1-5 where a "user

who has experienced an accident" is an event reporter), and for receiving the answers

to the questions from the event reporter (column 6 lines 9-64 and column 6 lines 1-5

where a "user who has experienced an accident" is an event reporter), wherein each of

the questions have only one answer that can be selected from a list of answers for the

question (column 6 lines 9-64 and figures 6A-D), and wherein the selected answer

becomes an attribute assigned to the risk event being reported (column 6 lines 9-64 and

figures 6A-D).

6.   **As to claim 11,** see the discussion of claim 1, additionally, *Basel* further

discloses the method wherein the computer is programmed to map each answer to a list

of possible event types that include one or more of the following event types: theft/fraud

(page 6, personal safety (page 6), system failure (page 6).-

7.   **As to claim 12,** see the discussion of claim 1, additionally, *Basel* further

discloses the method wherein the risk event comprises one of the events selected from

the group consisting of third party fraud (page 6), employee fraud (page 6), natural

disaster (page 4), physical injury (page 6).

8.   **As to claim 13,** *Basel* discloses a method of categorizing a risk event comprising

the steps of:

        providing questions to solicit answers that define attributes of the risk event

(page 5 and 6 [i.e. blocks 1, 2, and 3 on page 5]);

        obtaining the answers to the questions (page 5 and 6 [i.e. yes or no]);

        where the user:

                1)   stores the answers in the form of the attributes of the risk event

                (page 5 and 6 [where yes or no, i.e. "Is the sum of the losses above the

                threshold amount: yes" is an attribute of the risk event),

                2)   maps each answer to a list of possible event types, thereby

                generating a mapped list for each answer (page 5 and 6, [i.e. the answer

                to "Did the primary event adversely change the economic results of the

firm and was it recognized per GAAP?=yes" then the list of the possible

event types would be available by following the tree diagram, for the

example Business/Strategic Event, Employment and Workplace Safety

Event, External Fraud ect. would be mapped to the answer), and

3)   compares all of the mapped lists to determine an event type of the

risk event (page 5 and 6 [i.e. blocks 1, 2, 3 on page 5).

However, *Basel* does not disclose that a computer is programmed or that an

event type is displayed. *Swor* discloses a computer system that performs a risk

assessment (abstract and column 1 and 2 particularly column 2 lines 55-64) and

displaying the event type (figure 6A-D and column 6 lines 45-50).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the query and assignment system of *Basel* with the computerized

system of *Swor* to reduce potential entry error and allow for improved database

management.

9.   **Claims 3 and 6-9** are rejected under 35 U.S.C. 103(a) as being unpatentable

over *Basel* in view of *Swor et al.* in further view of "Categorizing Risks for Risk Ranking"

by *Morgan et al.*

10.   **As to claim 3,** see the discussion of claim 1, however, the references do not

disclose the questions regard who or what initiated the event, what was the benefit to

the initiator, who or what was impacted by the event, the nature of the impact, and the

initiator's role.

     Morgan discloses the method wherein the computer is programmed to store the

answers in the form of attributes of the event including, who or what initiated the event

(figure 1, where what initiated the event is "human activities"), what was the benefit to

the initiator (page 56 paragraph 1), who or what was impacted by the event (figure 1

where what was impacted is "exposure"), the nature of the impact (figure 1 where the

nature of the impact is "effects"), and the initiator's role in the event (figure 1 where the

initiator is "loading or initiator" and "effects" is its role).

     It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the query and assignment system of *Basel* and the computerized

system of *Swor* with the questions of *Morgan* since the use of these questions would

improve the ease of communication for users removing room for interpretation when

defining a risk event.

11.   **As to claim 6,** see the discussion of claim 1, additionally, *Morgan* further

discloses the method wherein the step of providing questions further comprises

providing a question regarding who or what initiated the event (figure 1, where what

initiated the event is "human activities").

12.   **As to claim 7,** see the discussion of claim 1, additionally, *Morgan* further

discloses the method wherein the step of providing questions further comprises

providing a question regarding what was the benefit to the initiator (page 56 paragraph

1).

13.   **As to claim 8,** see the discussion of claim 1, additionally, *Morgan* further

discloses The method of claim 1 wherein the step of providing questions further

comprises providing a question regarding who or what was impacted (figure 1 where

what was impacted is "exposure").

14.   **As to claim 9,** see the discussion of claim 1, additionally, *Morgan* further

discloses the method wherein the step of providing questions further comprises

providing a question regarding the nature of the impact of the event (figure 1 where the

nature of the impact is "effects").

15.   **Claims 4 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Basel* in view of *Swor et al.* in further view of "Corrective and Preventive Action" by *Motschman et al.*

16.   **As to claim 4,** see the discussion of claim 1, however, the references do not explicitly teach taking action based on an analysis. *Motshman* discloses the method wherein the taking action comprises taking action based on a statistical analysis of past typed events, including the risk event (Section 5 Event Classification, Section 12 Identifying Solutions).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the query and assignment system of *Basel* and the computerized system of *Swor* with the actions of *Motshman* since in order to correct defects in the system and prevent future risks.

17.   **As to claim 5**, see the discussion of claim 1, however, the references do not explicitly teach taking preventive steps. *Motshman* discloses the method wherein the taking action comprises taking preventive steps to reduce events of the event type (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the query and assignment system of *Basel* and the computerized system of *Swor* with the actions of *Motshman* since in order to correct defects in the system and prevent future risks.

18.   **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Basel* in

view of *Swor et al., Morgan,* and "RN and LPN Accountabilities and Responsibilities" by

Ottem.

19.   **As to claim 10,** see the discussion of claim 1, additionally, *Swor* discloses the

method wherein the step of providing questions further comprises providing a question

regarding the initiator's role in the event (figure 6A1).

However the references do not explicitly disclose that the question further

concerns a level of responsibility and legal duty in the event. Yet, it would be

understood that each position designated by *Swor* such as a RN, LPN, ect. would have

a defined and level of responsibility and legal duty. This is disclosed by *Ottem*

(Standards for Nursing Practice Section).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the query and assignment system of *Basel*, the computerized

system of *Swor,* the questions of *Morgan,* with the definitions of responsibility and legal

duty since these definitions allow employees to improve their performance of their jobs

by preventing legal liability and performing only work designated to them.

20.   **Claims 14-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Swor et al. in view of "How to Play Twenty Questions with Nature and Win" by *Richards.*

21.   **As to claim 14,** *Swor* discloses a system for typing risk events comprising:

a computer programmed for event typing (abstract and column 1 and 2

particularly column 2 lines 55-64; figure 6A-D and column 6 lines 45-50);

a user interface for posing questions regarding an event to an event reporter

(figures 6A-D, column 2 lines 65-67 and column 3 lines 1-10, and column 5 lines 64-67

and column 6 lines 1-5 where a "user who has experienced an accident" is an event

reporter), and for receiving responses to the questions from the event reporter(column 6

lines 9-64 and column 6 lines 1-5 where a "user who has experienced an accident" is an

event reporter), each of the questions having only one answer that can be selected from

a list of answers for the question(column 6 lines 9-64 and figures 6A-D), wherein the

selected answer becomes an attribute assigned to the event being reported (column 6

lines 9-64 and figures 6A-D).;

and a user of the system takes an action based on the event type presented by

the system (figure 6A-D).

However, *Swor* does not explicitly teach the use of look-up tables. *Richards*

discloses

a look up table to generate a list of mapped possible event types for each answer

(page 4, 2nd paragraph, page 5, figure 4, and page 7) wherein one or more

characteristics are selected that are common to the lists of mapped possible

characteristics (pages 7, 16, 17, and 18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the risk event typer of *Swor* with the use of look up tables of *Richards* since the use of Boolean algebra to narrow a list automates finding a determination of an unknown subject definition in order to reduce user error and uniformly creates definitions even with the use of multiple users.

22.		**As to claim 15,** see the discussion of claim 14, additionally, *Swor* discloses the system further comprising a non-volatile memory (column 3 lines 1-10).

23.		**As to claim 16,** see the discussion of claims 14 and 15, additionally, *Swor* further discloses the system wherein the memory records the attributes associated with the event (figures 6A-D and column 3 lines 11-26).

24.   **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Swor et al.* in view *Richards,* as applied to claims 14-15, and further in view of *Motschman.*

25.   **As to claim 17,** see the discussion of claims 14 and 15, additionally, *Swor* further discloses the system wherein the memory records events and attributes (figures 6A-D and column 3 lines 11-26).

However, the references do not explicitly teach recording statistics regarding recorded event types. *Motschman* discloses recording statistics regarding recorded event types (Section 5 Event Classification, Section 12 Identifying Solutions).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the risk event typer of *Swor* and the list handling of *Richards* with the statistics of *Motshman* since the use of these questions would improve the ease of communication for users removing room for interpretation when defining a risk event.

26.   **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Swor et al.* in view *Richards* and *Morgan.*

27.   **As to claim 18,** see the discussion of claim 14, however the references do not explicitly teach the questions regard who or what initiated the event, what was the benefit to the initiator, who or what was impacted by the event, the nature of the impact, and the initiator's role.

Morgan discloses the system wherein the questions comprise one or more questions regarding the event selected from the group of questions consisting of: who initiated the event (figure 1, where what initiated the event is "human activities"), what was the benefit to the initiator (page 56 paragraph 1), who was impacted (figure 1 where

what was impacted is "exposure"), what was the damage to the impacted party (figure 1 where the damage to the impacted party is "effects"), and what was the initiator's role / responsibility regarding the impacted party (figure 1 where the initiator is "loading or initiator" and "effects" is its role).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Swor* and *Richards* with the questions of *Morgan* since the use of these questions would improve the ease of communication for users removing room for interpretation when defining a risk event.

28.   **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Swor et al.* in view *Richards* in further view of *Basel.*

29.   **As to claim 19,** see the discussion of claim 14, however, the references do not explicitly teach that the event types apply to a corporate environment. *Basel* discloses the system wherein the possible event types for each answer comprise one or more event types selected from the group of event types consisting of: personal safety (page 6), system failure (page 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Swor* and *Richards* with *Basel* in order to report risk and mitigation and to ensure safer operation for employees and the public.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eliza Squires whose telephone number is (571)270-7052. The examiner can normally be reached on Monday through Friday 8 am - 4 pm Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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8/27/08

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